

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 614 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL  
and  
Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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KATHOR NAGAR PANCHAYAT

Versus

SURAT JILLA KAMDAR UNION

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Appearance:

MR SK JHAVERI for Petitioner  
MRS DT SHAH for Respondent No. 1  
NOTICE SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE B.C.PATEL  
and  
MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 30/11/2000

ORAL JUDGEMENT (Per : MR.JUSTICE B.C.PATEL)

It is a matter of great surprise that though the

State is served on 30.7.1985, they have not bothered to put their appearance. It appears that the State was added as a party after obtaining permission of the Court and the Court issued rule and expedited hearing of the matter. The Court permitted the petitioner to add State of Gujarat as a co- respondent. The endorsement makes it very clear that General Administration Department, Gandhinagar, had received notice with application on 30th July 1985. There is a report of the bailiff, Court of Civil Judge (Junior Division) to that effect. In view of this, we direct the Chief Secretary, Gujarat State to make arrangement forthwith, if the appearance is not filed in the matter, on 7.12.2000. Failing which, we may require to issue coercive process. It may be noted that today, this is the third matter wherein we found Government's action wanting.

2. After the aforesaid order was dictated, learned advocate appearing for the respondent Union stated that the matter has been settled out of Court and the workmen have agreed to accept half of the monetary benefits, which have been granted. Mr.Zaveri, learned counsel also made a grievance that despite repeated reminders to the petitioner even the petitioner has not chosen to instruct him. However, learned counsel appearing for the Union has made a statement.

3. We dispose of this matter having become infructuous with a liberty to revive in case of difficulty. Rule is discharged. Ad interim relief is vacated.

(B.C. Patel, J.)

30th November 2000 (Ravi R. Tripathi, J.)

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